

Serial No. 09/987,752
Amdt. dated July 8, 2004
Reply to Office Action of March 4, 2004

Docket No. MRE-0038

REMARKS/ARGUMENTS

Claims 1-9 and 13-24 are pending in the application. By this Amendment, claims 1, 2 and 6-9 are amended, claims 10-12 are cancelled, and new claims 13-24 are added. Reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks is respectfully requested.

I. Restriction Requirement

The Office Action makes the December 23 Restriction Requirement final, and withdraws claims 10-12 from consideration. By this Amendment, claims 10-12 are cancelled.

II. Formal Matters

The Office Action objects to the title of the invention as not descriptive. By this Amendment, the title has been amended to read "SURFACE MOUNTING DEVICE WITH MOVABLE CONVEYORS." Accordingly withdrawal of the objection to the title is respectfully requested.

The Office Action also objects to the Abstract of the disclosure. Enclosed herewith is a Substitute Abstract. The Examiner is requested to replace the originally filed Abstract with the enclosed new Abstract.

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III. Claims 1-9 are Allowable

The Office Action rejects claims 1, 2 and 5-8 under 35 U.S.C. §103(a) over Hata (U.S. Patent No. 4,708,232), in view of Hwang (U.S. Patent No. 6,526,651). The Office Action also rejects claims 3, 4 and 9 under 35 U.S.C. §103 over Hata, in view of Hwang, and further in view of the Kikuchi (U.S. Patent No. 6,590,355). Because these combinations of references are improper, the rejection is respectfully traversed.

One of the references relied upon by the Office Action to reject the claims is the Hwang reference. This reference is assigned to Mirae Corporation, as is the present application. In addition, the inventor of the cited patent is one of the inventors listed in the present application. The subject matter disclosed in the Hwang reference, and the invention claimed in the present application, were both subject to an obligation of assignment to Mirae Corporation at the time of the inventions. In view of these facts, it is respectfully submitted that the Hwang reference is not a proper prior art reference under §103. Accordingly, withdrawal of the rejection of claims 1-9 is respectfully requested.

IV. New Claims 13-24

By this Amendment, claims 13-24 are added to the application. It is respectfully submitted that these claims are also allowable over the references of record.

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V. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



John C. Eisenhart
Registration No. 38,128

Enclosure:
Abstract

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 JCE/jlg
Date: July 8, 2004

Please direct all correspondence to Customer Number 34610